

STATE OF INDIANA)
) SS:
COUNTY OF SULLIVAN)

IN THE SULLIVAN CIRCUIT COURT
2005 TERM
CAUSE NO. 77C01-0502-PL-00055

EVERETT L. GORBETT, II,
Plaintiff

VS

CRAIG HANKS,
Defendant

FILED
IN CIRCUIT COURT

MAR 16 2005

My. H. P. P.
Clerk, Sullivan Circuit Court

ORDER

The Plaintiff having failed to comply with the Court's Order of February 10, 2005, the Court has examined Plaintiff's Complaint in accordance with I.C. 34-58-1-1 and has determined that the claim is frivolous in that it does not have an arguable basis in the law and does not state a claim upon which relief may be granted. Specifically, the Plaintiff has failed to provide any proof to the Court that he has exhausted his administrative remedies before filing this cause of action; the Plaintiff has named an employee of the Department of Corrections as the Defendant and has failed to state any allegations in compliance with I.C. 34-13-3-5(c); and Plaintiff has failed to provide any documentation regarding the facts and circumstances surrounding Plaintiff's conduct report which would be utilized by the Court to determine whether his visitation privileges were restricted in accordance with DOC policy.

Based on the foregoing, Plaintiff's Complaint cannot proceed and this matter is removed from the Court's active docket.

SO RECOMMENDED this 16th day of March, 2005.

Ann Smith Mischler
ANN SMITH MISCHLER, Magistrate of the
Sullivan Circuit Court

SO ORDERED this 16th day of March, 2005.

P. J. Pierson
P. J. PIERSON, Judge of the
Sullivan Circuit Court

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